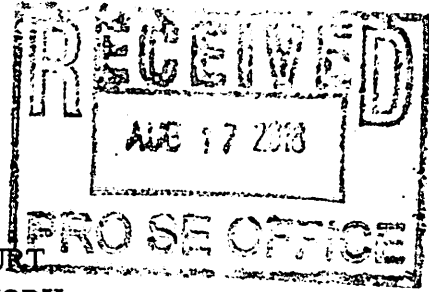


ORIGINAL

MATSUMOTO, J.

POLLAK, M.J.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK



Elsa M. Lopez
Nivardo Lopez Sitten

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

Odebrecht, S.A.

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Complaint for a Civil Case

Case No.

CV 18-4774

(to be filled in by the Clerk's Office)

Jury Trial: ☐ Yes ☒ No
(check one)

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Elsa M. Lopez, et al</u>
Street Address	<u>1249 209 Spencer St</u>
City and County	<u>Brooklyn Kings</u>
State and Zip Code	<u>New York 11205</u>
Telephone Number	<u>(312) 888-1002</u>
E-mail Address	<u>Ana.mccarthy1@gmail.com</u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	<u>Odebrecht, S.A</u>
Job or Title (if known)	<u>Marcelo Odebrecht</u>
Street Address	<u>6505 Blue Lagoon Dr. Suite 465</u>
City and County	<u>Miami ()</u>
State and Zip Code	<u>Florida 33126</u>
Telephone Number	<u>305-341-8800</u>
E-mail Address (if known)	<u></u>

Defendant No. 2

Name	<u></u>
Job or Title (if known)	<u></u>
Street Address	<u></u>
City and County	<u></u>

State and Zip Code _____

Telephone Number _____

E-mail Address _____

(if known)

Defendant No. 3

Name _____

Job or Title _____

(if known)

Street Address _____

City and County _____

State and Zip Code _____

Telephone Number _____

E-mail Address _____

(if known)

Defendant No. 4

Name _____

Job or Title _____

(if known)

Street Address _____

City and County _____

State and Zip Code _____

Telephone Number _____

E-mail Address _____

(if known)

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (check all that apply)

☒ Federal question

☒ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

Foreign Sovereignty FCPA Title 15 Section 780d.
T18, USC §§ 341 and 3551 et seq.

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, (name) Elsa M. Lopez, is a citizen of
 the State of (name) New York.

b. If the plaintiff is a corporation

The plaintiff, (name) _____, is incorporated
 under the laws of the State of (name) _____,
 and has its principal place of business in the State of (name) _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, (name) Odebrecht, is a citizen of
 the State of (name) Miami. Or is a citizen of
 (foreign nation) Brazil.

b. If the defendant is a corporation

The defendant, (name) odebrecht, is incorporated under the laws of the State of (name) odebrecht, S. A., and has its principal place of business in the State of (name) AT Florida. Or is incorporated under the laws of (foreign nation) Brazil, and has its principal place of business in (name) odebrecht.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

\$ Around 72% of the extraction
and unknown surpassing the
amount(s) of \$10,000,000.00

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

See attached -

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

72% of extractions as based 36% of land additionally required for the operations of the quarry and mine denominated El Frijo

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: Aug 17, 2018

Signature of Plaintiff

Printed Name of Plaintiff

Elsa M. Lopez
Elsa M. Lopez

United States District Court
Eastern District of New York

Vs.

United States of America
against

Odebrecht S. A.,

Defendant

Cr. No. 16-643 (RJD)

(T. 18, U.S.C., §§ 371 and
3551 et seq.)

Honorable Judge
Eastern District Court
New York.

I, Elsa M. López married to Nivardo J. López
Sitton (non U.S. Citizen), hereto request be added
as a party into the criminal investigation of
the Construction Company Odebrecht, S.A., based
on Bahia, Brazil.

I'm an American Citizen, born in Panama and
married to Nivardo López Sitton with whom
I have part in lands and estates in the Republic
of Panama, Province of Veraguas, District of
El Ricon,

In summary.

Marcelo Odebrecht. operates in the Republic of Panama as a main contractor for the construction of a interstate from Santiago City in the Province of Veraguas to the City of David in the Province of Chiriquí.

The four lane highway has an approximate extension of about "72 Kilometers".

Upon contracts made between Odebrecht, S.A. and the Republic of Panama; there were explorations for extractions of raw material and a quarry for materials and rocks from lands adjacent to a land of my common property and within the required boundaries of 50 Hectares of land for such. Upon laboratories results conducted several competent agencies and lead

, it was determined that the predious of our land which has over 100 hectares was "most adequate" for the extraction of the material and building a quarry.

Odebrecht S. A. Proceeded with building a quarry and instal the equipment adjacent to my land and interrupting a "servidumbre" of easement to my land.

Upon, a contract was signed and a copy was provided to the United States finbassy in Panama w/ a note attesting that the proceeds from the extractions (approximately \$22,000,000.00) were subject to taxes by the Internal Revenue Service in the United States.

Odebrecht S.A. proceeded with to extraction and subsequent payments were made to relatives of Ricardo Martinelli (President of Panama) at the time.

Upon inquires by attorney Jorge to David Virzi Jimenes, brother in law of the President (Martinelli) he proceeded to intimate the attorney including citing members of his immediate family residing in Santiago City.

(cousin) On December 26, 2013, Humberto Della Togna Martinelli blew a stop sign on 1st Street in Santiago impacting a Toyota Prado that was property of my daughter. Both my husband and I were taken to the hospital and the authorities failed to issue a "parte" given the owner of the vehicle was Martinelli (President) an his cousin was the driver.

Subsequently, Humberto Della Togna claimed I was responsible of the collision (overturned) and demanded the lands for the extractions as collateral for "damages"

Needless to say the "Minis xrio Pablicos" and Judge Humberto Ruiz (transit) refused to generate a part as a result of a mayor accident were both my husband and I resulted injured.

- Later, I was kidnapped and released and two of my granddaughters were given Commercial Pool Bleach diluted instead of two sprites as they ordered in a Hotel Mykonos in Santiago de Veraguas. The Two minos B.J.M and V.A.L.M. sustained burns on the arms and body that were black and were visible for 10 months. they were tended by Dr. Villalaz at Hospital Jesus Nazareno de Atalaya in Via Interamericana Republic of Panama.
- Subsequently, we have requested documents from the Republic of Panama Department of Mines to no avail (see attached) therefore given, all stated, I'm hereto as an American citizen that I be added as a party to the case and payment for materials extracted.

Olivia L. L. L.
(312) 888-1002

THE UNITED STATES OF AMERICA



No. 32908798

DEPARTMENT OF HOMELAND SECURITY

NATURALIZATION

Personal description of holder
as of date of naturalization:

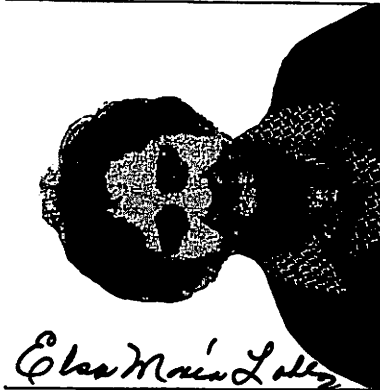
Date of birth: **OCTOBER 25, 1948**

Sex: **FEMALE**

Height: **4 feet 11 inches**

Marital status: **MARRIED**

Country of former nationality:
PANAMA



Elsa Maria Lopez

Registration No. **A046524984**

I certify that the description given is true, and that the photograph affixed hereto is a likeness of me.

Elsa Maria Lopez
(Complete and true signature of holder)

Be it known that, pursuant to an application filed with the Secretary of Homeland Security

at: **CHICAGO, ILLINOIS**

The Secretary having found that:

ELSA MARIA LOPEZ

then residing in the United States, intends to reside in the United States when so required by the Naturalization Laws of the United States, and had in all other respects complied with the applicable provisions of such naturalization laws and was entitled to be admitted to citizenship; such person having taken the oath of allegiance in a ceremony conducted by the

U.S. DISTRICT COURT- NORTHERN DISTRICT OF ILLINOIS

at: **CHICAGO, ILLINOIS**

on: **NOVEMBER 05, 2009**

that such person is admitted as a citizen of the United States of America.

IT IS PUNISHABLE BY U. S. LAW TO COPY,
PRINT OR PHOTOGRAPH THIS CERTIFICATE,
WITHOUT LAWFUL AUTHORITY.

Alfonso N. Vazquez

Director, U. S. Citizenship and Immigration Services

DEPARTMENT OF HOMELAND SECURITY



Embassy of the United States of America

Panama, Republic of Panama

March 9, 2018

TO WHOM IT MAY CONCERN:

This to certify that our passport files show that U.S. citizen **Ana Mc Carthy**, with date of birth May 18, 1972 in Panama and U.S. passport # 506370598 issued on January 15, 2015, and U.S. citizen **Michael Eugene Mc Carthy**, with date of birth December 5, 1966, in Illinois, United States and who died in August of 2013 in the United States, are the parents of the U.S. citizen children listed below:

Name	Date and place of birth	U.S. Passport number
Mc Carthy, Sofya Sarah	24-Sep-2002, Illinois, USA	509093102, Issued on 15-Nov-2013
Mc Carthy, Maria Rebecca	28-Jul-2003, Mexico	509093115 Issued on 15-Nov-2013
Mc Carthy, Veronica Arielle-Liah	08-Nov-2004, Illinois, USA	509093104 Issued on 15-Nov-2013
Mc Carthy, Rachel Joy	31-Aug-2006, Illinois, USA	510397803 Issued on 09-Dec-2013

Sincerely,

Stephanie T. Espinal
Consul

This certification is issued at the request of the mother of the minors Mc Carthy, for legal issues within the U.S. territory, as indicated by the mother.

*American Embassy Panama
9100 Panama City Place
Washington, DC 20521-9100
Phone: (507) 317-5000 Fax: (507) 317-5568*

ELECTORAL TRIBUNAL

BIRTH CERTIFICATE

The Directorate General of the Civil Registry

HEREBY CERTIFIES:

That at Volume TWO HUNDRED SIXTY (260) of Birth Records of the Province of Chiriqui - Entry No. 43 appears of record the birth of ANA TERESA LOPEZ ALVAREZ, at David, District of David, on the eighteenth (18th) day of May, nineteen hundred seventy two (1972). Daugther of NIBARDO JESUS LOPEZ and ELSA MARIA ALVAREZ ----- Issued at Panama, on the twenty-second (22nd) day of July, nineteen hundred ninety three (1993).

Entry No. -- Voucher No. -- Volume --

ID No. 4-260-43

(sgd) Abelardo Delgado
Province Director of the Civil Registry

- SEAL OF THE CIVIL REGISTRY -

The undersigned, OLGA MATA DE ANGULO, hereby certifies that she is an Official Translator for the Republic of Panama of the spanish and english languages, and that the foregoing is a true translation into english of the original document written in spanish and attached hereto.

Panama, 11th November, 1993.



Olga Mata de Angulo
Olga Mata de Angulo
ID. No. 8-139-749

col

155776
rcceyb



REPUBLICA DE PANAMA

TRIBUNAL ELECTORAL

1134606

NO ES VALIDO SIN LOS
TIMBRES FISCALES
(B/. 4.00)

CERTIFICADO DE NACIMIENTO
LA DIRECCION GENERAL DEL REGISTRO CIVIL
C E R T I F I C A:

Que al tomo número **226*** de nacimientos de la Provincia de CHIRIQUI
Asiento **669***** se encuentra inscrito el nacimiento de:

*** ELSA ELIZABETH LOPEZ ALVAREZ *** Céd. 4-226-669

de sexo femenino, nacida en DAVID (CABEC.), distrito de DAVID el
VEINTIUNO de NOVIEMBRE de MIL NOVECIENTOS SETENTA.
es hija de: NIVARDO JESUS LOPEZ

Céd.

ELSA MARIA ALVAREZ

Céd.

Expedido en Panamá, el DIECIOCHO de MAYO de MIL NOVECIENTOS NOVENTA Y
SIETE.*****

REPUBLICA DE PANAMA
DIRECCION GENERAL DEL REGISTRO CIVIL
SECRETARIA DE ESTADO
DIRECCION GENERAL DEL REGISTRO CIVIL

1132100

REPUBLICA DE PANAMA

154569
cesmyg

TRIBUNAL ELECTORAL

NO ES VALIDO SIN LOS
TIMBRES FISCALES
(B/. 4.00)CERTIFICADO DE NACIMIENTO
LA DIRECCION GENERAL DEL REGISTRO CIVIL
C E R T I F I C A :

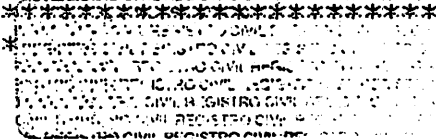
Que al tomo número **260** de nacimientos de la Provincia de CHIRIQUI
Asiento **43** se encuentra inscrito el nacimiento de:

*** ANA TERESA LOPEZ ALVAREZ *** Céd. 4-260-43

de sexo masculino, nacido en DAVID (CABEC.), distrito de DAVID el
DIECIOCHO de MAYO de MIL NOVECIENTOS SETENTA Y DOS.
es hijo de: NIBARDO JESUS LOPEZ Céd.

ELSA MARIA ALVAREZ Céd.

Expedido en Panamá, el DIECISIETE de JULIO de MIL NOVECIENTOS NOVENTA Y
SIETE.*****



Timbres

EXONERADO

CERTIFICADO DE NACIMIENTO

Decreto de Gabinete N° 304 de 3 de Septiembre de 1970

LA DIRECCION GENERAL DEL REGISTRO CIVIL

Certifica:

Que en tomo número DOSCIENTOS SESENTA de nacimientos de la
 provincia de CHIRIQUI, a folio VEINTIDOS
 partida No. 43 se encuentra inscrito el nacimiento
 del (o de la) menor ANA TERESA LOPEZ ALVAREZ
 en DAVID, distrito de DAVID el
 día DIECIOCHO de MAYO
 de mil novecientos SETENTA Y DOS
 es hijo(a) de NIBARDO JESUS LOPEZ SITTON Y ELSA MARIA ALVAREZ DE LOPEZ.

ESTE CERTIFICADO SOLO PUEDE SER USADO PARA FINES ESCOLARES, de con
 formidad con el Decreto de Gabinete No. 304 de 3 de septiembre de 1970.

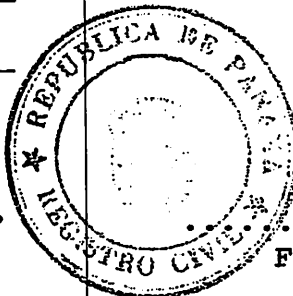
Expedido en DAVID CINCO días
 del mes de MARZO de mil novecientos NOVENTA

Cupón No. 1

Libro No. 92

Cédula No. 4-260-43

[Firma]
 Revisado por:



[Firma]
 Directora Provincial de Registro Civil-Chiriquí
 Firma y sello del funcionario competente

MINISTERIO PÚBLICO
FISCALÍA DE DECISIÓN Y LITIGACIÓN
TEMPRANA DE PANAMÁ

Usuario: YUSOLIS

Fecha: 13-05-2016 02:10 PM

Página: 1 De 1

Fiscal
Patricia Herrera
507-2992
2016

No.Caso: MP-5080834-4232-2016(1)

No.Entrada: 2016004232

Fecha
Entrada: 11-04-2016

Delito: ESTAFA

Denunciante: Ana Teresa Lopez Alvarez Mc Carthy

Ofendido: Ana Teresa Lopez Alvarez Mc Carthy

Procedencia: AGENCIA DE INSTRUCCIÓN DELEGADA DE SAN FRANCISCO

No.Denuncia: 3-168-2016

Tramitante:

Reingreso:

Enviado a: FISCALIA TERCERA DE CIRCUITO DE DESCARGA DEL PRIMER CIRCUITO JUDICIAL DE PANAMA
Fecha:14-04-2016 Oficio No.OF. 1245-16

Adjudicado:

Sindicados: SUMARIA EN AVERIGUACION

Identificación

Nombre

Situación Jurídica

-00--

SUMARIA AVERIGUACION

Fiscalía 2 de Descarga.
*4th Piso**Exp. 302-16**4/26/2016*
a/ Despacho